



A Bill of Rights worthy of the name

CAJ's commitment to a Bill of Rights for Northern Ireland has been one of its major contributions to addressing the causes of the conflict. We have increasingly recognised that infringing rights feeds and prolongs conflict. Governments have typically sought more powers and undermined the rule of law when there has been a real or perceived threat. The lesson of past decades is that it is only when those addressing security threats abide by the rule of law and respect people's rights that other means of addressing grievances are seen as available. The work of CAJ and others over the years gradually advanced that argument and led to the strong statement of rights contained in the Belfast/Good Friday Agreement. This is one reason why the Agreement has been successful in maintaining peace notwithstanding intermittent uncertainty over the political institutions from time to time.

That human rights were at the heart of the Agreement is beyond question. A cursory search of the text of the Agreement shows that the words 'right' or 'rights' appear no less than 61 times. While the formulation around the Bill of Rights in the Agreement is complex, there is no doubt that a Bill of Rights for Northern Ireland was the objective. This is confirmed in the St Andrews Agreement in 2006 which contained a further commitment to progressing a Bill of Rights in the form of the Bill of Rights Forum.

A Bill of Rights is one of the final parts of the human rights jigsaw; it ensures that rights currently enjoyed cannot be taken away at the whim of any government. It is intended to ensure, in a divided society, that whoever exercises governance over this disputed ground cannot rule without respecting the rights of everyone who lives here. It also ensures that those who are not or do not identify primarily as part of the two main communities will have their rights respected also.

CAJ has always argued that it would be misguided to focus a Northern Ireland Bill of Rights only on those rights that address specifically Northern Ireland concerns in a narrow way. Such a Bill of Rights, rather than providing a vision that unites across the communities, reinforces the idea that human rights are narrowly concerned as part of a trade-off between those communities. It separates rather than offering a vision of shared common values.

This seems to be acknowledged by the Secretary of State at the outset of the Northern Ireland Office's long awaited consultation document on a Bill of Rights, where he states

that: "For too long issues of human rights and equality in Northern Ireland were seen through the prism of conflict as a kind of 'zero sum game' of winners and losers. As Northern Ireland emerges from conflict it is important that the terms of the debate change."

He concluded, "It is a sign of a maturing democracy that issues around human rights and equality are no longer seen as sectional interests but as part of a necessary framework which is there to protect and benefit the whole community."

In reading the foreword, CAJ had great hopes for what lay ahead. At the end of the report, we were left wondering whether the foreword was written for a different document. The narrow scope of the rights identified by the NIO will serve only to reinforce divisions and forever result in rights being seen as a "zero-sum game." By contrast, those rights which would actually change the terms of the debate, and take rights away from a sectional interest or 'zero-sum game' approach into a framework for protecting and benefitting the whole community as apparently desired by the Secretary of State, are not even offered for discussion.

What are the particular circumstances?

Throughout the debate about a Bill of Rights since the signing of the Agreement, six words have dominated the debate "the particular circumstances of Northern Ireland." It is clear that interpretations of this phrase vary, and there are many conflicting perspectives. However it is clear that those who have engaged in the debate - political parties, civil society, and the Northern Ireland Human Rights Commission (NIHRC) - have provided reasoning and rationale for positions taken.

This genuine engagement is in our view in stark contrast to the approach taken by government in this consultation

Contents

| | |
|--|-----|
| A Bill of Rights worthy of the name | 1/2 |
| Don't be Done Out of Your Rights | 3 |
| Comparing the Northern Ireland Bill of Rights proposals with the Universal Declaration of Human Rights | 4/5 |
| Bill of Rights - Different Opinions | 6/7 |
| Civil Liberties Diary | 8 |

paper. In Chapter 3 in particular, the government disposes of over half of the rights proposed by the NIHRC and offers its “assessment” that these are equally as relevant to the people of England, Scotland and Wales as they are to the people of Northern Ireland. Throughout the text there are further references to the government believing, considering or viewing certain rights as not suitable for inclusion. However, beyond references to rights being of equal or similar importance across the UK, no evidence, reasoning or explanation is provided as to how government reached these views. It is incumbent upon the government to offer a more complete and comprehensive analysis of how rights were deemed worthy of inclusion or exclusion.

The consultation document seems to disregard the unique genesis of the Bill of Rights debate here, and wants to append it to a very different “national” debate on a UK Bill of Rights and Responsibilities. The latter debate has had a very different genesis - motivated by differing political agendas around constitution-building, making rights more British, and even weakening the ECHR. It has been top down in nature and led by political parties who have had no electoral base or mandate in Northern Ireland. By contrast, the debate about a Bill of Rights for Northern Ireland has been bottom-up, led by the people themselves in an effort to identify those rights - supplementary, i.e. adding, to the ECHR - that they feel are important in moving from conflict to a more peaceful society. Rights that have been identified as particular to Northern Ireland cannot therefore be relegated to a “national” debate that has no history, relevance or limited meaning in Northern Ireland.

It is worth noting that the consultation document seems oblivious to the fact that the term “national” itself has lain at the heart of much of the conflict. It is clear from the context that the NIO paper is alluding throughout to the British “nation” without parallel reference to the Irish “nation,” even though the Agreement had consciously sought to transcend some of these political divisions by talking of the rights of all.

What is a Bill of Rights?

A Bill of Rights is a list of human rights that everyone is entitled to enjoy. They exist in many countries as a constitutional safeguard, to underpin legislation and policy, so as to ensure that rights are protected. As such, any exercise in developing a Bill of Rights should be an exercise in identifying fundamental human rights. It should also progress and enhance rights protection, particularly for the most disadvantaged in society, not undermine or regress on existing protections.

The NIO’s consultation document seems like an exercise in public policy analysis, and that this approach has largely produced a list of entirely unsatisfactory reasons not to protect rights. There are numerous references in the document to codes of practice, or policies, or legislation already in place, leading government to the conclusion that

rights protection is not therefore necessary. This is to ignore the fact that codes of practice, policies and legislation can and do change at a whim. The purpose of a Bill of Rights is to ensure that certain rights endure no matter what legislative, policy or practice changes take place. As such the NIO’s consultation document - whether deliberately or ignorantly - fundamentally misses the point of what a Bill of Rights seeks to entrench.

CAJ believes the case for a vibrant, meaningful and strong Bill of Rights, representing the full range of civil, political, economic, social and cultural rights has been well proven and documented by all the work over the last ten years in Northern Ireland, culminating in the comprehensive advice of the NIHRC. CAJ has campaigned for a Bill of Rights for many years and will continue to do so. However we cannot accept a document that does not advance human rights protection, and we must thus reject the current NIO consultation paper in its totality. We are for a Bill of Rights, but only one worthy of the name - which these proposals clearly are not.

It is now time to implement a Bill of Rights for Northern Ireland that the vast majority of people in Northern Ireland have clearly said they want and that is particular to their needs following years of violent conflict. Without this, building a peaceful and shared future will forever be in jeopardy, as recent events have all too clearly shown.

Upcoming BoR Events

The Children’s Law Centre and Save the Children are holding a consultation seminar – ‘Don’t Let Children’s Rights be Written Out of the Bill of Rights’ on Wednesday 3 February 2010 from 2.00pm to 4.30pm in Children in Northern Ireland.

If you are interested in attending please contact Sara Boyce

Tel: 028 9024 5704

Email: sara-boyce@childrenslawcentre.org or
Please note places are limited.

The Women’s ad hoc Policy Group is holding a consultation event on the Bill of Rights and women on Tuesday 9 February, 12-2, at the Equality Commission. Lunch will be provided.

If you are interested in attending, please contact Margaret Ward

Tel: 028 9023 0212

E-mail: margaret.ward@wrda.net

“Don’t be Done Out of Your Rights”

On November 30th 2009 the long awaited public consultation on a Bill of Rights for Northern Ireland was announced by Secretary of State, Shaun Woodward. The contents of the consultation document has been seen by Bill of Rights campaigners as a bitter disappointment, with the widespread view that it fails entirely to advance human rights protections in any way. Despite these disappointments, those same campaigners remain undeterred and January saw the launch of one of Northern Ireland’s largest public awareness campaigns, aimed at encouraging the public to set the government straight on what rights need to be protected in a Northern Ireland Bill of Rights.

The Human Rights Consortium, which will head up the public campaign, has been avidly campaigning for a strong Bill of Rights for Northern Ireland for much of the last decade. In a letter to the Secretary of State in December, the Consortium, a coalition of over 140 community and voluntary organisations, formally rejected the blueprint put forward for a Bill of Rights by the Government in its consultation document. The Consortium branded the proposals as pitifully limited. The recommendations clearly ignore the views of the majority of people in Northern Ireland, who, over the course of the past ten years, have made it very clear, in an overwhelming number of consultation submissions, surveys and opinion polls that they demand that their Bill of Rights be strong and inclusive and have enforceable social and economic rights at its core. Ignoring these views and the level of work that has gone into this process over the course of the last ten years was deemed by the Consortium to be both disrespectful and unacceptable.

It also cited as unacceptable the clear failure of the document to engage with the substantial positive recommendations given to the government by the Northern Ireland Human Rights Commission over a year ago, which would have offered much better rights protections to the people of Northern Ireland.

The Consortium confirmed to the Secretary of State that the government recommendations failed to meet the six principles which the Consortium’s membership of over 140 groups believe constitute a strong and inclusive Bill of Rights and reaffirmed these six principles, which it believes should form the minimum basic requirements of any Bill of Rights for Northern Ireland:

Strong

- No undermining of current international/regional human rights protections
- Recognisable gains, especially for the most disadvantaged
- Effective enforcement mechanisms

Inclusive

- Represents the diversity that is Northern Ireland;
- Promotes equality for all
- Moves beyond the European Convention on Human Rights to include in particular socio-economic rights.

Despite its rejection of the Government consultation document, the Consortium is determined to use the consultation period as a means of allowing the public generally to have their say on what they feel should be included in a Bill of Rights. Specifically it has launched a huge public awareness and participation campaign that encourages and facilitates individual submissions to the consultation which clearly tells the Secretary of State to ‘Make Our Bill of Rights Strong.’

This campaign consists of several public elements such as billboards and advertising on bus sides that will run across Northern Ireland, press advertisements that will be placed in a wide range of weekly newspapers which will also co-ordinate with and highlight the delivery of a mailer to every home in Northern Ireland that people can sign and return by Freepost to the consultation, showing their support for a strong Bill of Rights. All of this will be supplemented by a massive e-mail campaign and micro site at www.billofrightsnri.org that people can again use to support the campaign and send on to all their friends. This campaign will run throughout Northern Ireland until the end of the consultation period on 1st March and hopes to facilitate the opportunity for everyone in Northern Ireland to have their say on a Bill of Rights.

Fiona McCausland, Chairperson of the Consortium, has been encouraging the public to participate in these campaign efforts. *“If a Bill of Rights is to stand any chance of being reflective of the needs of the public at large then it is vital that the Bill of Rights as a document finds its origins within those communities. The last ten years have seen that and we now want a final message to go to the Government as part of this consultation – that message should be unequivocal- ‘Make Our Bill of Rights Strong. The Consortium campaign and the avenues for participation that it has opened up to the public are unprecedented. In light of what we want to achieve from a Bill of Rights in Northern Ireland and the very poor recommendations produced by the Government I would say to the public, don’t be done out of your rights, make sure your voice is heard.”*

Maeve Donnelly, Communications Assistant, Human Rights Consortium

To participate in the campaign and consultation you can visit www.billofrightsnri.org.

A copy of the Consortium’s mailer is enclosed in this copy of Just News. We would urge all Just News readers to fill it in and return.

Comparing the Northern Ireland Bill of Rights proposals

Proposals for a NI Bill of Rights, 2009

On **equality, representation and participation in public life**, the Government proposes to:

CONSIDER with the Executive additional equality protections (either in the form of a general declaratory provision that everyone in Northern Ireland is equal before the law and has equal rights, or by broadening the existing protections to cover more groups). INCLUDE a right freely to vote in and be elected at genuine periodic elections held by secret ballot (subject to reasonable restrictions).

INCLUDE a general principle could be that any electoral system should provide for both main communities to be fairly represented. INCLUDE a general principle of inclusive and equitable representation in the Assembly.

CONSIDER with the Executive a general principle of inclusive and equitable representation at local government level.

CONSIDER with the Executive a requirement that the membership of public bodies should, as far as practicable, be representative of the community in Northern Ireland.

On **identity, culture and language**, the Government proposes to:

INCLUDE the right of the people of Northern Ireland to identify themselves and be accepted as Irish or British or both.

CONSIDER with the Irish Government associated rights for the people of Northern Ireland to hold British and Irish nationality.

CONSIDER with the Executive extending the existing duty on public authorities around promoting good relations, so that public authorities would also have regard to the need to promote a spirit of tolerance, dialogue and mutual respect; and to the need to respect the identity and ethos of the two main communities.

CONSIDER a right not to swear an oath that is contrary to a person's religion or belief. (The consultation paper asks whether such protection is already sufficiently provided by the ECHR).

CONSIDER with the Executive whether there are additional language protections that could be included.

On **sectarianism and segregation** the Government proposes to: INCLUDE a duty on public authorities to prevent sectarian violence and harassment.

CONSIDER where there is a need for additional protections to prevent individuals from being forced out of their home by sectarian intimidation or harassment.

On **victims and the legacy of the conflict** the Government proposes to:

CONSIDER a provision about the ongoing investigation of deaths attributable to the conflict.

CONSIDER with the Executive provision to ensure the needs of victims and survivors of the conflict are addressed. This would need to take account of existing work by the Commissioners for Victims and Survivors on the needs of victims.

On **criminal justice** the Government proposes to:

CONSIDER whether there is any provision that might be made about the treatment of suspects and access to lawyers and medical practitioners, to help allay concerns arising from the past. CONSIDER whether any further measures are needed to provide support and protection to witnesses, jurors, judges and lawyers.

The Universal Declaration of Human Rights, 1948

Article 1. All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3. Everyone has the right to life, liberty and security of person.

Article 4. No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6. Everyone has the right to recognition everywhere as a person before the law.

Article 7. All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8. Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9. No one shall be subjected to arbitrary arrest, detention or exile.

Article 10. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11. (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence. (2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12. No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13. (1) Everyone has the right to freedom of movement and residence within the borders of each state. (2) Everyone has the right to leave any country, including his own, and to return to his country.

with the Universal Declaration of Human Rights

Article 14. (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution. (2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15. (1) Everyone has the right to a nationality. (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16. (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution. (2) Marriage shall be entered into only with the free and full consent of the intending spouses. (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17. (1) Everyone has the right to own property alone as well as in association with others. (2) No one shall be arbitrarily deprived of his property.

Article 18. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19. Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20. (1) Everyone has the right to freedom of peaceful assembly and association. (2) No one may be compelled to belong to an association.

Article 21. (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. (2) Everyone has the right of equal access to public service in his country. (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22. Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23. (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. (2) Everyone, without any discrimination, has the right to equal pay for equal work. (3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection. (4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24. Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25. (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. (2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26. (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit. (2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace. (3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27. (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits. (2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28. Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29. (1) Everyone has duties to the community in which alone the free and full development of his personality is possible. (2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society. (3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30. (1) Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act and objects of the Bill of Rights. (2) The Bill of Rights does not deny the existence of any other rights or freedoms that are recognised or conferred by common law, customary law or legislation, to the extent that they are consistent with the Bill.

NICEM position on the Northern Ireland Office's Consultation Paper on "A Bill of Rights for Northern Ireland: Next steps"

The Northern Ireland Office's (NIO) consultation is an insult to civil society and all those involved with the Bill of Rights process. NICEM believes that the NIO consultation is an inadequate response to the Human Rights Commission's advice to the Secretary of State which the Commission presented to the NIO in December 2008. The document suggested that only voting rights and the right for a person to identify themselves as British or Irish should be included in the Bill of Rights for Northern Ireland.

The NIO's narrow consultation paper does not give weight to the desires of the people of Northern Ireland for a strong and inclusive Bill of Rights. These desires have been expressed through numerous public meetings, seminars and training events for more than 10 years now. Sectoral representatives (including myself) spent one year of nearly full-time work involved in the Bill of Rights Forum process in order to present a report of more than 200 pages to the Northern Ireland Human Rights Commission (NIHRC) on 31 March 2008. Overall, the NIHRC received over 600 submissions from individuals and agencies throughout NI on the Bill of Rights, making it one of the most extensive and robust consultation processes Northern Ireland has ever seen.

In the spirit of the Belfast Agreement (1998), the Bill of Rights for Northern Ireland cannot be lost within a Bill of Rights and Responsibilities for the UK. The Green Paper UK Bill of Rights and Responsibilities, which was published last March, will not create any legal rights but simply a list of declaratory rights. NICEM is concerned that the Bill of Rights process for Northern Ireland should be recognised as distinct from this process as there are key distinctions between Northern Ireland and Great Britain.

The Bill of Rights for Northern Ireland is part of the package of the Belfast Agreement. This obligation should not be underestimated, as the Belfast Agreement is an international treaty which the former House of Lords (now Supreme Court) has recognised as a constitutional document. Moreover, 85% of people on the island of Ireland voted unanimously to support the Belfast Agreement, thus creating a democratic obligation on the British and the Irish governments to fully implement it.

The NIO has also added to the watering down of the "particular circumstances" of Northern Ireland by stating that economic and social rights are important issues throughout UK and therefore should be considered in a UK Bill of Rights and Responsibilities, thus ignoring the "particular circumstances" in Northern Ireland of social deprivation in the conflicts of the past and the post-conflict situation now.

The NIO has failed in its obligations under Section 75. Firstly, the NIO has failed to carry out a screening exercise on this policy-making document. Secondly, it has failed to carry out a necessary Equality Impact Assessment (EQIA) on this policy-making document. Thirdly, it has failed to provide an adequate period for consultation. The complex document was published on 30 November 2009, thus running over the Christmas period. By conducting a 12 week consultation inclusive of a holiday period, on subjects of such magnitude, the NIO is also contravening its own Equality Scheme. Moreover, it lacks any meaningful consultation with the communities for such an important policy document, as no events and/or resources are available from the NIO to engage the grassroots communities.

The NIO consultation will damage the human rights of the most vulnerable people in Northern Ireland rather than enhance them. In addition to this, the consultation document has some potentially damaging inaccuracies, notably the confusion of the Equality Duties, which are about policy-making processes, with statutory human rights protections, which are based on enforceable rights.

Such errors leave Northern Ireland vulnerable to further erosion of human rights legislation, and with further watering down of such protection from Westminster, Northern Ireland looks far from being a model of best practice for human rights. Examples of this erosion include the introduction of enhanced terrorism provisions, which serve to erode both article 5 (right to liberty) and article 6 (right to a fair trial) of the European Convention on Human Rights. In addition to this, the British Government's opt out provisions with regard to the ratification of the Lisbon treaty effectively mean that the Charter of Fundamental Rights of the European Union will not apply fully to the United Kingdom. Also the British Government has failed to ratify the Council of Europe's Revised European Social Charter (on the protection of economic and social rights). It is precisely because the UK fails to fulfill its international human rights obligations that a Bill of Rights, reflecting these international standards, is necessary.

Northern Ireland is still emerging from 30 years of conflict from. This is why civil society demands a strong and inclusive Bill of Rights which includes the protection of economic and social rights. NICEM believes that the NIO should revoke its current consultation document and issue one that adequately reflects the advice presented to it by the Human Rights Commission on 10th December 2008.

Patrick Yu, Executive Director of Northern Ireland Council for Ethnic Minorities
www.nicem.org.uk

Where are women's rights in the Bill of Rights?

The recent NIO consultation document on a Bill of Rights for Northern Ireland is many things, but reflective of the historic disadvantages faced by and current needs of the women of Northern Ireland is not one of them. In essence, the document proffers to include two "additional rights" while systematically ignoring the swell of opinion and evidence calling for further additional rights deemed relevant to the particular circumstances of Northern Ireland. The NIO appear to have ignored the evidence and advice from the Bill of Rights Forum as well as the advice of the NIHRC who are arguably best placed to advocate for the rights of the people of Northern Ireland.

The wholly inappropriate suggestions from the NIO are particularly apparent when considering how the document deals with the status of women in Northern Ireland. It is silent on the most pertinent issues to women and blatantly ignores the plethora of research repeatedly identifying the marginalisation of women within social, economic, political and geographical structures. While suggestions within the document are phrased in the fashionable "gender-neutral format", they totally belie the fact that problems exist for women because they are women and it is therefore not only ok but legally necessary to identify and address gender specific violations.

In perpetuating the existing disadvantage and discrimination towards women, the NIO have replicated the recent approach of the Consultative Group on the Past in their report – a damning indictment of the voicelessness of women within the structures of a society in transition. The logical conclusion of both the CGoP and the NIO Bill of Rights consultative document is that women, as a group within society, have in no way been impacted by the conflict. Living in NI throughout the entirety of the conflict, therefore, was no more significant for women than if they had lived in Cardiff, Liverpool or London. This is clearly an absurd proposition - as is the belief that sustainable peace and prosperity in NI is possible without the equal and effective participation of women at all levels in our society.

Of course, the current document from the NIO is a consultation document, which implies that the views of consultees should be reflected in any final report. For this reason it is vital that women across all sectors speak out and respond robustly to the NIO consultation document and demand a Bill of Rights which seeks to redress the historic disadvantages faced by women as well as meeting the current needs of the women of Northern Ireland.

Laura McMahon. The author is a Barrister and represented the Women's sector on the Bill of Rights in the Preamble, Implementation and Enforceability Working Group

Don't let children's rights be written out of the Bill of Rights

The proposals contained in the NIO's consultation paper 'A Bill of Rights for Northern Ireland: Next Steps', unless radically amended following the current consultation, will most definitely not deliver the kind of meaningful rights protections for children and young people which are urgently needed.

Children and young people constitute over a quarter of the population in Northern Ireland and as the most vulnerable members of society they have been particularly adversely affected by the conflict and violence in our society over recent decades. Their rights have been ignored, denied and violated on an almost routine basis.

The potential of the Bill of Rights for Northern Ireland to provide a comprehensive legislative framework to protect children's rights has been recognised, not only through the work of the Children's Law Centre and Save the Children and many others in Northern Ireland, but also by a number of international human rights experts and bodies.

The Northern Ireland Human Rights Commission, in its statutory advice to government in December 2008, recommended that a range of child specific provisions be included in a separate section of the Bill of Rights, as well as mainstreaming of children's rights provisions throughout the document where appropriate.

Despite incontrovertible evidence of the need for such children's rights protection, the NIO consultation paper's approach to the protection of children's rights via the Bill of Rights is completely at odds with all of the above

recommendations from both international and domestic human rights experts, dismissing as it does all of the child specific provisions recommended by the Northern Ireland Human Rights Commission (NIHRC), on the basis that they either don't meet the 'particular circumstances of Northern Ireland' criterion or that existing legislation provides adequate protections – claims we would vigorously challenge on the basis on evidence gathered by both organisations over a decade. Aside from the failure by the Northern Ireland Office to include any specific child rights provisions, the further failure of the document to engage with the substantial recommendations from the NIHRC in relation to the protection of social and economic rights is hugely concerning and extremely negative from a children's rights perspective.

Concerns also exist in relation to the NIO's consultation process – it does not appear that the NIO has any plans to consult directly with children and young people, nor has it produced a child accessible format of the consultation document, both of which it is legally obliged to do under Section 75 of the Northern Ireland Act 1998.

This is a critical juncture from a children's rights perspective in the whole Bill of Rights project and all those concerned with improving the lives of children and young people today as well as those of future generations need to make their views known to the NIO in the current consultation.

Sara Boyce, Children's Law Centre/ Save the Children

Civil Liberties Diary - December

1st

Government guidelines on abortion in Northern Ireland will have to be withdrawn. The High Court ruling held that the current advice failed to give clear guidance in the areas of conscientious objection and counselling.

The family of Patrick Kelly, a councillor murdered 35 years ago, withdraw their co-operation from an investigation into his death by the Historical Enquiries Team. They said they can no longer have any confidence in the team. The family suspect the councillor was killed by members of the UDR.

2nd

In the High Court, planning authorities who rejected a Traveller family's appeal against being refused permission to retain a serviced site in Armagh have been ordered to reconsider the decision. Weatherup J was not satisfied that the commissioner conducted an evaluation of alternative accommodation.

4th

CAJ criticises the NIO's consultation document on a Bill of Rights for Northern Ireland. CAJ believes that the government has discarded the advice from the Northern Ireland Human Rights Commission and ignored the support of the vast majority of people in Northern Ireland in favour of a Bill of Rights.

8th

The Hamill Inquiry hears of how four RUC officers who were at the scene did little to protect Robert Hamill or apprehend his assailants. The closing legal submissions also restated that one officer allegedly colluded with one of the killers. Barra McGrory QC also said that former Chief Constable, Sir Ronnie

Flanagan, could be held responsible for "gross negligence" in allowing Chief Superintendent Maynard McBurney free rein in the investigation into the murder and the allegations against his officers.

10th

The European Court of Human Rights in Strasbourg hears evidence from three Irish women who are challenging the prohibition on abortion in the Republic. The women allege that their inability to get an abortion in Ireland jeopardised their health and violated their human rights. The court adjourned and a judgment is expected within the next six to eight months.

11th

The High Court hears evidence of a police cover up surrounding the plastic bullet killing of Nora McCabe in 1981. Lawyers for her family claim officers closed ranks and lied on oath to shield two colleagues who should have faced murder charges.

16th

An Indian family living in north Belfast say they are leaving their home following a series of racist attacks. Lyochen Kunjumon said the family were living in fear following the latest attack on their New Lodge home.

A report by the NI Affairs Committee concludes that the Eames/Bradley Report into the past would be "unworkable" and could not be considered a "viable course of action."

18th

The families of victims of the north Belfast UVF gang protected by Special Branch describe as a "sinister development" the PSNI decision to take over from the Historical Enquiries Team investigation into police and loyalist collusion.

23rd

The PPS announces that no prosecution will be taken against the PSNI officer who shot dead Steven Cowell at a checkpoint in Ballynahinch in 2006. This follows an investigation by the Police Ombudsman.

Patrick Yu, Executive Director of the Northern Ireland Council for Ethnic Minorities, says that ethnic minorities have become the new victims following the end of the Troubles. He pointed to figures showing 771 racist crimes last year.

31st

The Human Rights Consortium, representing more than 140 community and voluntary sector groups in Northern Ireland rejects the Bill of Rights proposals outlined by the NIO, calling the proposals "pitifully limited", "unacceptable" and "disrespectful."

Compiled by Mark Bassett from various newspapers

Just News

Just News welcomes readers' news, views and comments.

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